

Docket No. F-9034

Ser. No. 10/570,483

**AMENDMENTS TO THE DRAWINGS:**

Please find provided with a Supplemental Amendment filed concurrently with this response replacement sheets for Figs. 1, 3, 4, 6 and 8-11 wherein amendments explained in the Supplemental Amendment.

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**REMARKS**

Claims 1-13 are now pending in this application. Claims 1-9 are rejected. Claims 2 and 9 are cancelled herein. New claims 10-13 are added. Claims 1 and 3-8 are amended herein to clarify the invention. Claim 1 is also amended to include subject matter of claim 2. Other formal matters are attended to that were not addressed by the Examiner and accordingly are considered unrelated to substantive patentability issues. For the convenience of the Examiner, APPENDIX I is provided herewith having a complete set of pending claims with all amendments effected therein.

**OATH/DECLARATION**

The Office Action indicates that the declaration filed in this application is defective. Applicants file herewith a declaration to replace the original declaration.

**OBJECTIONS TO DRAWINGS AND DISCLOSURE.**

This Amendment is filed concurrently with a Supplemental Amendment filed by mail which includes a Marked and Substitute Specification, and Replacement drawing sheets. The Supplemental Amendment addresses formalities raised by the objections to the disclosure and drawings in the Office Action.

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**CLAIM OBJECTIONS**

The claims are objected to due to various informalities including grammatical errors, and awkward wordings. The claims are amended to address the informalities. Accordingly withdrawal of the objections is respectfully requested.

**CLAIM REJECTIONS UNDER § 112, SECOND PARAGRAPH**

Claims 1-9 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention. The Office Action cites various informalities in the claim language including awkward wording and lack of antecedent bases.

Claims 1 and 3-8 are amended to clarify the claimed invention and to place the claims into conformance with U.S. claiming practice. Claims 2 and 9 are cancelled. The amendments were made with consideration of the various informalities noted in the Office Action. It is respectfully submitted that the amendments remove or correct the informalities noted in the Office Action. Therefore, and in light of the Office Action statement indicating that the claims contain allowable subject matter, reconsideration of the rejection of claims 1 and 3-8 and their allowance are earnestly requested.

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**CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b)**

Claims 1-8 are rejected under 35 U.S.C. § 102(b) as being anticipated by the Cammorata reference. Applicant herein respectfully traverses these rejections. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention. *arranged as in the claim* ." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.* , 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that the cited reference is deficient with regard to the following.

In making the rejection the Examiner has relied upon an interpretation of the claims that "does not require an actual size or the actual size be set forth." It is presumed that this interpretation is due to the alternative wording of the original claims. Claims 1 and 7 now specifically relate that a size is included in information provided on the display part. Specifically, claims 1 and 7 include "the diaper main body having a display part on which is provided information including a size of the diaper main body." Claims 1 and 7 further provide that the diaper is folded to provide a fold edge face facing outward and " at least a portion of said display part being disposed on said fold edge face, said at least a portion of said display part including indicia indicating said size of said diaper main body such

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that said size is viewable when two or more like folded diaper main bodies are stacked on one another."

The Examiner reads the claims prior to present amendments on the Cammoratta reference using the above Examiner's interpretation wherein actual provision of indicia on the diapers indicating size was not interpreted as required by the claims. It is respectfully submitted that the present claim amendments clarify the claims to positively require such indicia be provided on the display portion and be located as set forth in the claims. In particular, the claims further require that the size be provided on a fold edge face which faces outward rendering the size viewable when folded diapers are stacked.

The Examiner's rejection merely states that the Cammoratta reference displays "graphics/information" which may be visible when such diapers are stacked. However, the Cammoratta reference does not teach that indicia indicating a size is provided on a fold edge face so as to be visible when stacked. The graphics shown Cammoratta do not indicate size. The graphics of Chimaeridae et al. '162 are provided for toilet training aid benefit and inform a care giver when diaper change is required.(paragraph[0004] in Chimaeridae et al. '162). Chimaeridae et al. '162 does not teach the graphics are provided for exhibition of the size.

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In the present invention, the display part is placed the outside part of the crotch portion as related in claim 1 where the fold edge face is located, and the fold edge face displays information indicating a size of the diaper main body so that the size of the diaper main bodies can be easily viewed when the diaper main bodies are stacked on one another. The Cammarotta reference does not teach such a technical idea at all.

It is further noted that the present use of indicia indicating size on the fold face is a functional arrangement of such indicia that is related to the fold arrangement of the diaper as stated above so that size is visible when the diapers are stack. Such arrangements of "printed matter" are patentable because the "printing" has a functional relationship to structure of the article, in this case, the folded structure. The present invention is not limited however to "printing" per se and is intended to include any means of imparting visible indicia to the diaper.

Further with regard to claim 7, in addition to the above noted feature of the size being provided on a fold edge face, the Chimaeridae reference does not disclose the following:

said diaper main body being folded at folds to have flat portions of said diaper main body overlaid on other flat portions of said diaper main body so as to have one of a rectangular and a square outline when viewed from a direction normal to said flat portions[.]

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The Chimaeridae reference does not disclose the folding of a diaper main body into an approximately square or rectangular shape. In the invention of claim 7, the size is on a portion of the display part on the fold edge face which faces outward even when the diaper main body is folded into an approximately square or rectangular shape. Thus, a compact state of the diaper is provided yet the size is easily viewable even when the diapers are stacked on one another, such as when they are placed in a packaging bag. (paragraph [0081] in the publication). Chimaeridae et al. '162 does not teach such technical idea at all.

In view of the above, it is respectfully submitted that claims 1 and 3-8 particularly describe and distinctly claim elements not disclosed in the cited reference. Therefore, reconsideration of the rejections of claims 1 and 3-8 and their allowance are respectfully requested.

#### NEW CLAIMS

Claims 10-12 are added and are submitted as patentable for the subject matter recited therein in combination with the subject matter of their respective base claims discussed above. Claim 10 indicates that ink jet printing is used. Claims 11 and 13 are directed to assemblages of folded diapers of the present invention wherein they are stacked and the sizes are visible from the sides of the stack. Claim 12 is directed to the leg-hole elastic member of each of the leg hole sections

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including two discontinuous sections with a break area therebetween such that said display part is disposed at least in part in said break area. It is thus submitted that claims 10-13 are distinguished over the applied art.

**REQUEST FOR EXTENSION OF TIME**

Applicants respectfully request a one month extension of time for responding to the Office Action. Please charge the fee of \$120.00 for the extension of time to Deposit Account No. 10-1250.

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.



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In light of the foregoing, the application is now believed to be in proper form  
for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,  
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enc: Substitute Declaration.